



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,727	04/23/2001	Alando M. Ballantyne	014208.1360	4537

35005 7590 09/23/2004  
BAKER BOTTS L.L.P.  
2001 ROSS AVENUE, 6TH FLOOR  
DALLAS, TX 75201

EXAMINER

TANG, KUO LIANG J

ART UNIT	PAPER NUMBER
----------	--------------

2122

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**Advisory Action**

Application No.

09/840,727

Applicant(s)

BALLANTYNE ET AL. 

Examiner

Kuo-Liang J Tang

Art Unit

2122

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, ~~the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-23, 25

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_



Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed 7/29/2004 have been fully considered but they are not persuasive

As per Claim 7, Applicant argues that Lektion does not teaches "establish a relationship of the out data and one or more Extensible Markup Language Document Object Model contexts" and "building a Document Object Model instance with the one or more contexts" (E.g. see RE, page 8-9)

The examiner does not agree Applicant's assertion. In fact, In Lektion teaches:

FIG. 3D shows the output DOM tree corresponding to the example source data in FIGS. 3A and 3B, and the example GATHER invocation in FIG. 3C. Note that while FIG. 3D shows group nodes having child nodes for data items using only the keywords STRING and NUMBER, this is because these keyword tags were the only data entity tags used in the input example of FIG. 3A. If keyword tags such as <TCP\_IP\_ADDRESS> had been used in the input, corresponding nodes in the output DOM tree would also use these other tags. Also note that FIG. 3D shows groups having only elementary data items as children. If the input in FIG. 3A had used nested groups, then the flowcharts explained below provide for transferring the nested group along with its children as a child of the highest-level corresponding group node in the output DOM tree. (E.g. see col. 12:22-36).

As per Claim 23, Applicant argues that Stefaniak does not teaches "automatically modifying the legacy computer system applications in according with the specification." (E.g. see RE, page 10-13).

The examiner does not agree Applicant's assertion. In fact, In Stefaniak teaches:

Automatically converting text-based screen applications of a legacy computer system into a graphical-based representation thereof. The method includes the steps of transforming a terminal-based screen application into an application specification; converting the application specification into a modeling language-based representation; and, displaying the modeling language-based representation with a graphical user interface. (E.g. see ABSTRACT). For example, application I contains core program module and subroutine I for display output data in text-based environment, and application II contains core program and subroutine II for displaying output data in GUI environment. Since subroutine I is different than subroutine II, therefore, application program I is not equal to application program II as a whole.



ANTONY NGUYEN-BA  
PRIMARY EXAMINER